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Security Council

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27 April 2006

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Identical letters dated 26 April 2006 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General and the President of the Security Council

On instruction from my Government, I have the honour to transmit the following message with regard to the situation concerning Western Sahara.

The Government of the Republic of Namibia welcomes the efforts of the United Nations Secretary-General and his Personal Envoy to facilitate a just and lasting solution to the question of Western Sahara in accordance with international law.

However, we are seriously concerned by the current developments in this territory and the attempts to legalize the occupation of Western Sahara through proposals of solutions that are based on the denial of the right of the people of Western Sahara to self-determination. Any attempt to depart from the Baker plan, the only viable peaceful solution to the conflict in Western Sahara which provides for a free and fair referendum in Western Sahara, is unacceptable.

The United Nations and particularly the Security Council is therefore urged to reject any attempt to deny the people of Western Sahara their right to self-determination and independence. We request the Security Council to mandate MINURSO to monitor and submit reports on human rights violations across the territory of Western Sahara.

The Government of the Republic of Namibia reiterates its support for the implementation of all General Assembly and Security Council resolutions aimed at holding a free and fair referendum and urges the Government of Morocco to accept the undeniable right of the people of Western Sahara to self-determination.

It would be appreciated if this letter could be circulated as a document of the Security Council.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

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Draft resolution

The Security Council,

Reaffirming its resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, its various resolutions on children and armed conflict and on women, peace and security, as well as its resolution 1631 (2005) on cooperation between the United Nations and regional organizations in maintaining international peace and security, and further reaffirming its determination to ensure respect for, and follow-up to, these resolutions,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being, and *recognizing* in this regard that development, peace and security and human rights are interlinked and mutually reinforcing,

Expressing its deep regret that civilians account for the vast majority of casualties in situations of armed conflict,

Gravely concerned with the effects of the illicit exploitation and trafficking of natural resources, as well as the illicit trafficking of small arms and light weapons, and the use of such weapons on civilians affected by armed conflict,

Recognizing the important contribution to the protection of civilians in armed conflict by regional organizations, and *acknowledging in this regard*, the steps taken by the African Union,

Recognizing the important role that education can play in supporting efforts to halt and prevent abuses committed against civilians affected by armed conflict, in particular efforts to prevent sexual exploitation, trafficking in humans, and violations of applicable international law regarding the recruitment and re-recruitment of child soldiers,

Recalling the particular impact which armed conflict has on women and children, including as refugees and internally displaced persons, as well as on other civilians who may have specific vulnerabilities, and stressing the protection and assistance needs of all affected civilian populations,

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Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians,

Bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and *underlining* the importance of taking measures aimed at conflict prevention and resolution,

1. *Notes with appreciation* the contribution of the Report of the Secretary-General of 28 November 2005 to its understanding of the issues surrounding the protection of civilians in armed conflict, and *takes note of* its conclusions;

2. *Emphasizes* the importance of preventing armed conflict and its recurrence, and *stresses in this context* the need for a comprehensive approach through promoting economic growth, poverty eradication, sustainable development, national reconciliation, good governance, democracy, the rule of law, and respect for, and protection of, human rights, and in this regard, *urges* the cooperation of Member States and *underlines* the importance of a coherent, comprehensive and coordinated approach by the principal organs of the United Nations, cooperating with one another and within their respective mandates;

3. *Recalls* that deliberately targeting civilians and other protected persons as such in situations of armed conflict is a flagrant violation of international humanitarian law, *reiterates* its condemnation in the strongest terms of such practices, and *demands* that all parties immediately put an end to such practices;

4. *Reaffirms* the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

5. *Reaffirms also* its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect in particular to (i) torture and other prohibited treatment, (ii) gender-based and sexual violence, (iii) violence against children, (iv) the recruitment and use of child soldiers, (v) trafficking in humans, (vi) forced displacement, and (vii) the intentional denial of humanitarian assistance, and *demands* that all parties put an end to such practices;

6. *Demands* that all parties concerned comply strictly with the obligations applicable to them under international law, in particular those contained in the Hague Conventions of 1899 and 1907 and in the Geneva Conventions of 1949 and their Additional Protocols of 1977, as well as with the decisions of the Security Council;

7. *Reaffirms* that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses, *draws attention* to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals and truth and reconciliation commissions, and *notes* that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims;

8. *Emphasizes* in this context the responsibility of States to comply with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law, while recognizing, for States in or recovering from armed conflict, the need to restore or build independent national judicial systems and institutions;

9. *Calls on* States that have not already done so to consider ratifying the instruments of international humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement their obligations under these instruments;

10. *Demands* that all States fully implement all relevant decisions of the Security Council, and in this regard cooperate fully with United Nations peacekeeping missions and country teams in the follow-up and implementation of these resolutions;

11. *Calls upon* all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning have regard for the special needs of women and children and include specific measures for the protection of civilians including (i) the cessation of attacks on civilians, (ii) the facilitation of the provision of humanitarian assistance, (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, (iv) the facilitation of early access to education and training, (v) the re-establishment of the rule of law, and (vi) the ending of impunity;

12. *Recalls* the prohibition of the forcible displacement of civilians in situations of armed conflict under circumstances that are in violation of parties' obligations under international humanitarian law;

13. *Urges* the international community to provide support and assistance to enable States to fulfil their responsibilities regarding the protection of refugees and other persons protected under international humanitarian law;

14. *Reaffirms* the need to maintain the security and civilian character of refugee and internally displaced person camps, *stresses* the primary responsibility of States in this regard, and *encourages* the Secretary-General where necessary and in the context of existing peacekeeping operations and their respective mandates, to take all feasible measures to ensure security in and around such camps and of their inhabitants;

15. *Expresses its intention* of continuing its collaboration with the United Nations Emergency Relief Coordinator, and *invites* the Secretary-General to fully associate him from the earliest stages of the planning of United Nations peacekeeping and other relevant missions;

16. *Reaffirms* its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include, where appropriate and on a case-by-case basis, provisions regarding (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation, (ii) the facilitation of the provision of humanitarian assistance, and (iii) the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons, and *expresses its*

intention of ensuring that (i) such mandates include clear guidelines as to what missions can and should do to achieve those goals, (ii) the protection of civilians is given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of the mandates, and (iii) that protection mandates are implemented;

17. *Reaffirms* that, where appropriate, United Nations peacekeeping and other relevant missions should provide for the dissemination of information about international humanitarian, human rights and refugee law and the application of relevant Security Council resolutions;

18. *Underscores* the importance of disarmament, demobilization and reintegration of ex-combatants (DDR) in the protection of civilians affected by armed conflict, and, in this regard, *emphasizes* (i) its support for the inclusion in mandates of United Nations peacekeeping and other relevant missions, where appropriate and on a case-by-case basis, of specific and effective measures for DDR, (ii) the importance of incorporating such activities into specific peace agreements, where appropriate and in consultation with the parties, and (iii) the importance of adequate resources being made available for the full completion of DDR programmes and activities;

19. *Condemns in the strongest terms* all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and *undertakes* to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place;

20. *Condemns in equally strong terms* all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in United Nations operations, *welcomes* the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and *requests* the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based upon the recommendations of the report of the Special Committee on Peacekeeping, A/59/19/Rev.1;

21. *Stresses* the importance for all, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence;

22. *Urges* all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to civilians in need of assistance in situations of armed conflict, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets;

23. *Condemns* all attacks deliberately targeting United Nations and associated personnel involved in humanitarian missions, as well as other humanitarian personnel, *urges* States on whose territory such attacks occur to prosecute or extradite those responsible, and *welcomes* in this regard the adoption

on 8 December 2005 by the General Assembly of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel;

24. *Recognizes* the increasingly valuable role that regional organizations and other intergovernmental institutions play in the protection of civilians, and *encourages* the Secretary-General and the heads of regional and other intergovernmental organizations to continue their efforts to strengthen their partnership in this regard;

25. *Reiterates* its invitation to the Secretary-General to continue to refer to the Council relevant information and analysis regarding the protection of civilians where he believes that such information or analysis could contribute to the resolution of issues before it, requests him to continue to include in his written reports to the Council on matters of which it is seized, as appropriate, observations relating to the protection of civilians in armed conflict, and encourages him to continue consultations and take concrete steps to enhance the capacity of the United Nations in this regard;

26. *Notes* that the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict, may constitute a threat to international peace and security, and, *reaffirms in this regard* its readiness to consider such situations and, where necessary, to adopt appropriate steps;

27. *Requests* the Secretary-General to submit his next report on the protection of civilians in armed conflict within 18 months of the date of this resolution;

28. *Decides* to remain seized of the matter.